

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 CHRISTOPHER DEVOSE,

4 Petitioner

5 v.

6 WILLIAM HUTCHINGS, *et al.*,

7 Respondents

Case No.: 2:21-cv-02069-APG-DJA

**Order Granting Motion to Voluntarily
Dismiss Ground 2 of the Petition and
Granting Extension of Time to Answer
Petition to July 31, 2023**

[ECF Nos. 49, 50]


8 In March 2023, I granted respondents' motion to dismiss Christopher Devose's *pro se* 28
9 U.S.C. § 2254 habeas corpus petition in part. ECF No. 44. Because I concluded that ground 2 is
10 unexhausted, I gave Devose three options: (1) to submit a sworn declaration voluntarily
11 abandoning ground 2, and proceeding only on the exhausted claims; (2) to return to state court to
12 exhaust ground 2, in which case his federal habeas petition would be denied without prejudice;
13 or (3) to file a motion asking this court to stay and abey his exhausted federal habeas claims
14 while he returns to state court to exhaust ground 2. In response, Devose filed what he styled as a
15 motion to formally and forever abandon ground 2 and proceed on the exhausted grounds. ECF
16 No. 49. I grant the motion.

17 Also before the court is respondents' motion for an extension of time to file an answer to
18 the remaining claims in petition. ECF No. 50. Counsel for respondents explains that this case,
19 involving a 7-day jury trial, was recently re-assigned to him and that, while he has begun
20 reviewing the state-court record, he requires additional time to file the answer. Good cause
21 appearing, I grant the extension.

22 I THEREFORE ORDER that petitioner's motion to abandon ground 2 [ECF No. 49] is
23 **GRANTED.**

1 I FURTHER ORDER that respondents' motion for extension of time to answer the
2 amended petition [ECF No. 50] is **GRANTED. The deadline is extended to July 31, 2023.**

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4 DATED this 23rd day of May, 2023.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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